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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JORGE FRANCO-IBARRA,

Defendant.

Case No. 2:14-cr-00173-JCM-PAL

GOVERNMENT'S MOTION TO  
CONTINUE RESENTENCING  
(Second Request)

The United States of America, by and through Steven W. Myhre, Acting United States Attorney, and Richard Anthony Lopez, Assistant United States Attorney, respectfully moves this Honorable Court for an Order vacating the resentencing of Defendant Jorge Franco-Ibarra currently scheduled for 10:00 a.m. on July 17, 2017, and setting that resentencing for July 24, 2017, or another date convenient for the Court.

Good cause exists to continue the resentencing for the following reasons:

1. The Defendant remains in the custody of the Bureau of Prisons and would be unable to attend the resentencing on the currently scheduled date.

1           2.     On June 16, 2017, the Government submitted a request to the Bureau  
2 of Prisons for the production of the Defendant in this District so that the Court may  
3 resentence the Defendant in accordance with the Ninth Circuit's memorandum  
4 disposition in the Defendant's appeal.

5           3.     On June 30, 2017, the U.S. Marshals informed the Government that  
6 the Defendant is scheduled to arrive in Las Vegas, Nevada on July 13.

7           4.     On July 14, 2017, the U.S. Marshals informed the Government that the  
8 Defendant is now scheduled to arrive in Las Vegas, Nevada on July 18.

9           5.     Defense counsel informed the Government that she is unable to contact  
10 the Defendant while he is in the custody of the Bureau of Prisons and therefore  
11 cannot obtain his consent to a continuance.

12          6.     Defense counsel informed the Government that she is unavailable on  
13 July 19, 20, and 21, 2017.

14          7.     Counsel for the Government is not available the morning of July 26, but  
15 is otherwise available the week of July 24, 2017.

16          8.     Because the Defendant will not be present in the District on the  
17 currently scheduled date for resentencing, a brief continuance of the resentencing  
18 will promote the efficient use of judicial and attorney resources.

19               DATED this 14th day of July, 2017.

20                               Respectfully submitted,  
21                               STEVEN W. MYHRE  
                                  Acting United States Attorney

22                               /s/ Richard Anthony Lopez  
23                               RICHARD ANTHONY LOPEZ  
                                  Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

-oOo-

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 JORGE FRANCO-IBARRA,

7 Defendant.  
8

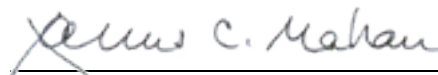
Case No. 2:14-cr-00173-JCM-PAL

9 ORDER

10 Based on the pending Motion of the Government, and good cause appearing  
11 therefor,

12 IT IS HEREBY ORDERED that the resentencing scheduled for 10:00 a.m. on  
13 July 17, 2017, is VACATED and continued to July 31, 2017 at 10:30 a.m., in Las  
14 Vegas Courtroom 6A before Judge James C. Mahan.

15 DATED this 17th day of July, 2017.

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17  
18 

19 JAMES C. MAHAN  
20 UNITED STATES DISTRICT JUDGE  
21  
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## CERTIFICATE OF SERVICE

I, Richard Anthony Lopez, hereby certify that I am an employee of the United States Attorney's Office for the District of Nevada and that on this day I served an electronic copy of the above GOVERNMENT'S MOTION TO CONTINUE RESENTENCING (Second Request) on Counsel of Record via Electronic Case Filing (ECF).

Dated: July 14, 2017

/s/ Richard Anthony Lopez  
RICHARD ANTHONY LOPEZ  
Assistant United States Attorney